

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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JERRY ALLEN,
Institutional ID No. 37765-177,

Plaintiff,

V.

EDDIE WHEELER, Warden,
et al.,

Defendants.

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**CIVIL ACTION NO.
1:13-CV-103-BL
ECF**

REPORT AND RECOMMENDATION

Plaintiff filed a civil rights complaint pursuant to 42 U.S.C. § 1983 on July 11, 2013 (Doc. 1), alleging that his rights under United States Constitution were violated by staff members at the French Robertson Unit of the Texas Department of Criminal Justice - Institutional Division (TDCJ) and by various TDCJ officials, who were deliberately indifferent to his serious medical needs. The Defendants in this case include Eddie Wheeler, Jessie Singh, Lora Standley, and Don Higgins.

Plaintiff refused to consent to having the United States magistrate judge conduct all further proceedings pursuant to 28 U.S.C. § 636(c) on July 17, 2013 (Doc. 7). This matter was reassigned to the United States magistrate judge on July 29, 2013 (Doc. 12). On August 15, 2013, Plaintiff filed notice with the court that he had been transferred to Joe Corley Detention Center (Doc. 14). On August 29, 2013, the court entered an Order Setting Evidentiary Hearing (Doc. 7), pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985) and 28 U.S.C. § 1915.

On October 7, 2013, Plaintiff filed a motion to dismiss the lawsuit (Doc. 17.) This court therefore **RECOMMENDS** that this case be **DISMISSED**.

A copy of this order shall be sent by first class mail to all parties appearing *pro se* and to any attorney of record by first class mail or electronic notification.

IT IS ORDERED that the transfer of this case to the United States magistrate judge is terminated, and the case is hereby transferred to the docket of United States District Judge Sam R. Cummings.

DATED this 10th day of October, 2013.


E. SCOTT FROST
UNITED STATES MAGISTRATE JUDGE